

EXHIBIT C

Volume: I

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11193NG

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SHAWN DRUMGOLD,

PLAINTIFF

VS.

TIMOTHY CALLAHAN, ET AL,

DEFENDANTS
-----X

DEPOSITION of FRANCIS M. ROACHE, a witness
called on behalf of the Plaintiff, pursuant to the
provisions of the Federal Rules of Civil Procedure, before
Nancy M. Walsh, Certified Shorthand Reporter (#118593) /
Registered Professional Reporter and Notary Public in and
for the Commonwealth of Massachusetts, at the law office
of Tommasino & Tommasino, Two Center Plaza, Boston,
Massachusetts 02108, on Monday, February 12, 2007
commencing at 2:08 p.m.

NANCY M. WALSH
COURT REPORTING SERVICES
131 CRANE STREET
DEDHAM, MASSACHUSETTS 02026
TELEPHONE (781) 326-5062
FAX (781) 326-5072

1 A Seven years.

2 Q What's your educational background?

3 A I have a bachelor's degree from Boston State College, a
4 master of arts in public management from Boston State
5 College.

6 Q When did you get your undergraduate degree?

7 A 1975.

8 Q When did you get your master's?

9 A I think it was like 1980, something like that. Also a
10 graduate of the FBI National Academy.

11 Q When was that?

12 A 1982.

13 Q When did you go to work for the Boston Police Department?
14 August 28, 1968.

15 Q What position did you go in as?

16 A Called patrolman then.

17 Q How long were you a patrolman?

18 A About seven years.

19 Q What did you do next?

20 A I was promoted to sergeant.

21 Q And how long were you a sergeant?

22 A About seven years, approximately.

23 Q And what was the next rank after that that you held?

24 A I was appointed acting lieutenant in 1983.

1 Q And where did you serve as an acting lieutenant?

2 A I served in an investigative unit which was called
3 Community Disorders Unit.

4 Q During the time that you were a patrolman or a sergeant,
5 did you ever serve in the Homicide Unit?

6 A No, I did not.

7 Q How long did you serve in the Community Disorder Unit?

8 A Approximately seven years.

9 Q And then what did you next do for the Boston Police?

10 A I continued to -- continued the CDU, Community Disorders
11 Unit. In other words, I think -- I stayed in the same
12 assignment.

13 Q Did you change rank?

14 A I already mentioned lieutenant. I became an acting
15 lieutenant.

16 Q What happened after you were a lieutenant. What was your
17 next job?

18 A Appointment to Police Commissioner.

19 Q When was that?

20 A February 1, 1985.

21 Q And who appointed you?

22 A Mayor Raymond L. Flynn.

23 Q And am I following correct that you had been in the CDU
24 for the two years previous to that?

1 A Yes. I was in CDU when the Mayor appointed me.

2 Q And how long did you serve as Commissioner?

3 A Eight years and approximately five months.

4 Q So was that up until 1993?

5 A Yes, June 26, 1993.

6 Q And who was your successor?

7 A William Bratton.

8 Q What position did William Bratton hold while you were the
9 Police Commissioner?

10 MR. JOHN ROACHE: During the entire time he
11 was Police Commissioner?

12 MR. REILLY: Yes.

13 A I'd like to hear the question again about the time frame.

14 Q During the time that you were the Commissioner of the
15 Boston Police, what position or positions did William
16 Bratton hold?

17 MR. JOHN ROACHE: If any.

18 MR. REILLY: I know he had some.

19 MR. JOHN ROACHE: I don't know.

20 MR. REILLY: I do.

21 A The only thing I can say is I referred to him as a
22 Number 2 person, a superintendent.

23 Q Was he superintendent of any particular division or unit?
24 A He basically was the Number 2 man in charge. As a

1 result, he oversaw all the bureaus and the chiefs.

2 Q Do you remember when you first learned that a young girl
3 by the name of Tiffany Moore had been murdered?

4 A No, I do not.

5 Q Do you remember whether you learned shortly after the
6 murder of Tiffany Moore about the murder?

7 A Yes, I would say it's fairly soon after. That's the best
8 I can do.

9 Q Do you remember any personal involvement you had with the
10 Tiffany Moore murder in the first couple of weeks after
11 the murder?

12 A No, I do not.

13 Q Did you receive any briefings or information from any of
14 your officers concerning the Tiffany Moore murder in the
15 first couple of weeks after the murder?

16 A I do not remember.

17 Q Do you know who was in charge of the Homicide Unit in
18 August? I suggest to you that Tiffany Moore was murdered
19 on August 19th of 1988. Do you know who was in charge of
20 the Homicide Unit at that point?

21 A I don't remember.

22 Q If I suggest to you John Daley, does that refresh your
23 memory?

24 A No, that's not how --

1

Q Did you know John Daley in 1988?

2

A Yes, I did.

3

Q And how long had you known John Daley?

4

A Since about 1975.

5

Q Who appointed the head of the Homicide Unit?

6

A Those decisions are made by the District Attorney's

7

office in consultation with sometimes the various bureau chiefs. It all depends what part of the police

8

department you're talking about. If it's the Homicide

9

Unit, that would be the Bureau of Investigative Services.

10

Q Who actually makes the appointment?

11

12

MR. JOHN ROACHE: Objection.

13

A In my position as Commissioner, I delegated

14

responsibilities to bureau chiefs. And I do not remember who, but it would be the person who served as the bureau chief for basically the investigative unit. And of

15

course, homicide is one division under the broad command of the Bureau of Investigative Services.

17

Q Was the appointment ultimately your appointment that you

18

then delegated to someone else?

19

A It was not my appointment -- I don't remember.

21

Q I'm asking in terms of the way your -- the powers of your office worked. Did you ultimately have the power to make the appointment to the head of the Homicide Unit?

22

23

24

1 A The Homicide Unit was different than other units.

2 Because of the statute of law, the District Attorney
3 directly controlled homicide investigations. I never
4 really got involved with selecting people. I left that
5 to the bureau chief and then the District Attorney
6 depending upon if he or she would have some thoughts
7 about personnel. But I stayed away from those issues.

8 Q Was the bureau chief exercising your discretion when he
9 got involved in that, or was he exercising his own
10 discretion?

11 MR. JOHN ROACHE: Objection.

12 A Again, I delegated my -- the authority to other bureau
13 chiefs. If from time to time, they may, they would come
14 to me and talk about issues. But I never really would
15 make a decision. Sometimes I would -- the District
16 Attorney would contact me, too.

17 Q I guess my question and I think it's kind of a narrow
18 question just as I think you've answered it, it was your
19 authority that you then delegated to the bureau chiefs;
20 is that accurate?

21 A Yes.

22 Q Now, do you remember District Attorneys ever asking
23 you -- directly in connection with who should be head of
24 homicide at any point while you were Commissioner?

1

A No.

2

3

Q Who was the District Attorney or who were the District Attorneys when you were Commissioner?

4

A Newman Flanagan and Ralph Martin.

5

(Ms. Scapicchio joined the deposition.)

6

7

Q Did you know Detective Richard Walsh when you were Commissioner?

8

9

A I knew of him, not to be -- in other words, I knew of him. I could probably visualize him.

10

Q Had you ever supervised him or worked with him directly?

11

A No, I did not.

12

Q Did you know Detective Paul Murphy?

13

A Yes, I remember him, also.

14

Q And how did you know Detective Paul Murphy?

15

A I just knew he was a detective. He was in the bureau.

16

Q Had you ever had any personal dealings with him?

17

A No, I did not, sir.

18

Q Did you know Timothy Callahan?

19

A Yes.

20

Q And how did you know Timothy Callahan?

21

A I reduced him in rank, and that's how I remember him because he was an acting sergeant when I took over the department. A year later we had promotions to sergeant, and he didn't pass the civil service exam. And I

23

24

1 remember he was a gentleman about that particular event.

2 Q He had been appointed as an acting sergeant in lieu of an
3 exam?

4 A Yes.

5 Q And then when the exam happened, he didn't qualify?

6 A That's correct, sir.

7 Q Do you know what unit he was in when that happened?

8 A No, I do not.

9 Q Do you know when that was that Sergeant Callahan was
10 reduced in rank?

11 A Approximately 19 -- somewhere in 1986.

12 Q That would be about a year after you got appointed
13 Commissioner?

14 A That's an approximate.

15 Q When you were appointed as Commissioner in 1985, is it
16 correct that there had been a period of almost eight
17 years without any promotional exams, civil service exams,
18 in the Boston Police Department?

19 MR. JOHN ROACHE: Objection.

20 A That is correct, eight years, if perhaps not more.

21 Q And how soon after you were appointed Commissioner were
22 there civil service promotional exams held?

23 A Probably within a few months of 1985.

24 Q Was there a Civil Service Commission order to the Boston

1

Police Department to hold the exams?

2

A Well, again, at that time -- in terms of delegating

3

authority, I called in personnel chief of human resources

4

and other command staff members and saying simply that I

5

want to start the process to promote sergeants, to start

6

the promotional process back.

7

Q Was there an order in effect though from the Civil

8

Service Commission ordering the Boston Police Department
to hold promotional exams?

9

10

A I don't remember that. I remember myself taking

11

initiative to hold them.

12

Q You don't have a memory -- do you have a memory of a
court order or a Civil Service Division order?

13

14

A No, I don't recall.

15

Q And how soon after you started the process was it that

16

you were actually able to promote sergeants pursuant to
the civil service process?

17

18

A I'd say approximately a year after I was -- assumed the
role of Commissioner. I think that was the first
promotion ceremony.

19

20

21

Q So that would be sometime around 1986?

22

A Yes, sir.

23

Q Do you remember having any personal involvement in the
investigation of the Tiffany Moore murder or the

24

1 prosecution of Shawn Drumgold?

2 A No, I had no involvement whatsoever.

3 Q Do you ever remember being briefed -- do you remember
4 being briefed by anyone concerning either that murder or
5 that prosecution?

6 A I don't recall.

7 Q Did you have a process where you would periodically meet
8 with the Investigative Services concerning pending cases?

9 A I would meet with bureau chiefs which were
10 superintendents, the highest rank, with the exception of
11 superintendent chief. I would meet on matters that
12 related to the police -- many matters, all kinds of
13 matters.

14 Q Were those regular meetings with the bureau chiefs, as
15 were they scheduled on a regular basis?

16 A The bureau chiefs knew I had an open-door policy. They
17 could come in if they felt it was a matter -- if
18 something is important.

19 Q But in addition to those kind of meetings, were there
20 regularly monthly or weekly meetings with the bureau
21 chiefs?

22 A Yes, there were regular meetings.

23 Q Were there any minutes kept of the meetings do you know?

24 A I don't remember.

1 Q Do you ever remember the murder of Tiffany Moore or the
2 prosecution of Shawn Drumgold being discussed at any of
3 those meetings of the bureau chiefs?

4 A No. Generally if I had the bureau chiefs together, we'd
5 discuss a range of issues of different -- anything to do
6 with homicide, that would be -- I wouldn't be involved in
7 it. It would be separate discussions between Assistant
8 ADAs perhaps and police detectives assigned to homicide.

9 MR. REILLY: Why don't we mark this as the
10 next exhibit.

11 (Discussion off the record.)

12 Q Let me show you Commissioner's Special Citation dated
13 December 22, 1988, which will be marked as an exhibit as
14 soon as we get the exhibit number, and ask you if you're
15 familiar with that special citation.

16 A I don't remember it. I see it in front of me now. I see
17 the names.

18 Q Was there a procedure whereby on a yearly basis the
19 Commissioner -- you would make special citations?

20 A Yes.

21 Q What was the criteria for special citations?

22 A Again, I -- there was a group of police officers, command
23 staff and police officers who had an awards board, and I
24 delegated that to them. And Paul Evans who was then

1 superintendent, was the person I would delegate that to.

2 Q Did you receive any briefing or folder with the
3 information concerning special citations before you
4 agreed to award a special citation?

5 A Yes.

6 Q What type of information typically would you receive to
7 backup or explain a recommendation for a special
8 citation?

9 A That would probably start wherever it initiated, whoever
10 decided to right up the initial report. There are
11 follow-up reports. I would delegate it to the Paul
12 Evans, who would get it to awards board. They would
13 review all that. They would select a certain award, wide
14 range of awards for the Policemen's Ball, and basically
15 they would be narratives that I would read of the event
16 whether it was a heroic event or saving a life.

17 Q Would the narratives be narratives that were prepared by
18 the board, or would they be the original police reports?

19 A I don't remember.

20 Q Do you have any memory of giving Detectives Murphy and
21 Walsh a special citation in connection with their work on
22 the Tiffany Moore murder?

23 A I do not remember that.

24 Q Typically who would recommend, make the original

1 seen this opinion of Judge Volterra on a Motion to
2 Suppress before today?

3 MR. JOHN ROACHE: Before you answer that
4 question, go through the document and familiarize
5 yourself with the document before you answer the
6 question.

7 (Witness peruses the document.)

8 A I do not remember.

9 Q Do you ever remember being informed that Judge Volterra
10 had suppressed statements by Shawn Drumgold who was the
11 Defendant in the Tiffany Moore case?

12 A No, I do not.

13 Q Did you ever remember being informed, and I'm looking
14 here at Page 2 of Exhibit 186, that Judge Volterra had
15 made a finding, that I conclude that in Drumgold's case,
16 egregious prosecutorial misconduct occurred when the
17 authorities questions Drumgold at the Area B police
18 station in direct contravention of a Judge's order, and
19 that the interrogation was conducted in violation of
20 Drumgold's Fifth Amendment rights?

21 Did you ever learn that Judge Volterra made
22 that finding?

23 A I do not remember that.

24 Q When you were Commissioner, was there any procedure

1 whereby you would receive feedback if Judges made
2 findings that your officers had done something improper?

3 MR. JOHN ROACHE: Objection.

4 A At some point, I would probably hear from the legal
5 office, perhaps, informing me of something like that.

6 Q Who was in charge of the legal office when you were
7 Commissioner?

8 A The first person was Nicholas Foundas, F-o-o-u-n-d-a-s.
9 The second legal adviser was James Hart. And the third
10 legal adviser, last name I don't remember right -- Nancy
11 Albano.

12 Q And did they represent the police department when the
13 police department was subject to legal proceedings, that
14 is if somebody sued the police department?

15 A They were considered assistant corporation counsel. They
16 would be involved, and also we worked closely with
17 corporate counsel, the lawyer of the city, yes.

18 Q Was it your understanding that they were involved in
19 criminal prosecutions where the District Attorney was
20 prosecuting a case?

21 MR. JOHN ROACHE: Objection.

22 A I can't answer that.

23 Q Was there any formal procedure where you received
24 information if police officers in a criminal case were

1 accused or found by a Judge to have committed misconduct?

2 MR. JOHN ROACHE: Objection.

3 Q And a criminal case as opposed to a civil case.

4 MR. JOHN ROACHE: Objection.

5 A At some point, somebody from the legal office of the
6 Boston Police Department at some point would probably
7 share with me or provide me with any information
8 concerning matters like that.

9 Q Do you have any knowledge of how the Boston Police legal
10 department would learn of findings in a criminal case
11 that an officer may have committed misconduct?

12 MR. JOHN ROACHE: Objection.

13 A That would be a delegation of authority. That kind of
14 information would probably come by way of the legal
15 office or maybe the corporation counsel. And then I
16 would probably be informed.

17 Q Did you personally ever take any action to make sure that
18 you learned about any findings made by Judges in criminal
19 cases that officers were doing anything improper?

20 MR. JOHN ROACHE: Objection.

21 A I had the resource of the legal department in the city,
22 the lawyer of the city, the corporation counsel, and I
23 depended upon them to inform me of legal matters on
24 things I should be concerned about.

1 Q And you relied on the fact that you believed they would
2 inform you if it was appropriate?

3 MR. JOHN ROACHE: Objection.

4 Q The legal department; is that correct?

5 MR. JOHN ROACHE: Objection.

6 A To the best of my knowledge, that's how I remember the
7 process.

8 Q Do you have any memory of learning that a Judge had
9 criticized Boston Police in any way in connection with
10 the prosecution of Shawn Drungold or the murder of
11 Tiffany Moore?

12 A I don't recall.

13 Q Do you have any memory of ever revisiting the special
14 citation, Exhibit 185, after the fact?

15 A No, I don't remember.

16 Q Are you familiar with a report prepared by James
17 St. Clair?

18 A Yes.

19 Q And who appointed James St. Clair to prepare a report in
20 connection with the Boston Police Department?

21 A To the best of my recollection, the Mayor of the City of
22 Boston, Raymond L. Flynn.

23 Q What was your understanding as to the circumstances that
24 led to Mayor Flynn appointing James St. Clair to prepare

1 can't answer whether or not that's true or not. That's
2 hearsay.

3 Q Did you have any reason to doubt the accuracy of that
4 finding by the committee?

5 A I had a different opinion. One thing I can say clearly,
6 strongly is the relationship with the community was good.
7 There was no doubt about that.

8 Q And how about the relationship with most officers?

9 A That I don't know. No officer ever came up to me to let
10 me know how he or she felt.

11 Q If you can look at Page 7, which is Bates stamped 1626,
12 the last full paragraph, the last sentence, full sentence
13 says, As a result, there are no department-wide systems
14 to gauge the performance of police officers or hold
15 supervisors, patrol officers, or detectives accountable
16 for their actions and performance. In your opinion, was
17 that finding by the committee correct?

18 A I don't think so.

19 Q And why do you think it's not correct?

20 A As far as I'm concerned, as Commissioner, all personnel
21 in the department were held accountable under my term as
22 Commissioner.

23 Q Were there any department-wide systems to gauge the
24 performance of officers?

1 A I don't recall.

2 Q The next sentence says, Further, there are no real
3 efforts made to set goals, objectives, and priorities on
4 a department-wide basis or hold bureau, division, and
5 units accountable for meeting those goals. In your
6 opinion, was that finding by the Commission accurate?

7 A I don't think so.

8 Q And why do you believe it's not accurate?

9 A Because as a command staff, on a regular basis, we
10 discussed goals and objectives. We put in plans. We did
11 pilot programs. We were constantly adjusting to the
12 ever-changing -- the ongoing changes in the City of
13 Boston to meet the needs of the public that we served.
14 Q Did you ever go back to Mr. St. Clair and his committee
15 and say words to the effect of, you've made a mistake,
16 here are the goals, plans, and priorities we have in
17 place?

18 MR. JOHN ROACHE: Objection.

19 A I never saw the man again.

20 Q Did you try to contact him?

21 A No, I did not.

22 Q Did you ever advise the Mayor as to what you considered
23 to be inaccuracies in the St. Clair Report?

24 A I don't remember.

1 Q Look at Page 9, Bates stamp 1628, the top of the page,
2 sentence begins, Moreover, we found a lack of commitment
3 to in-service training, most particularly a near total
4 absence of supervisory skills and management training for
5 superior officers and command staff members. Was that
6 accurate in 1992?

7 A I don't think it's accurate in my opinion.

8 Q Why do you believe it's not accurate?

9 A I felt we had an outstanding academy which included
10 in-service training.

11 Q You were aware of the criticism of the service academy in
12 the St. Clair Report; is that fair?

13 A I don't remember that.

14 Q If you can turn to Page 70 of the report -- actually --
15 yes, Page 70. Is it fair to say that Page 70 and the
16 next three pages of the report is a discussion of the
17 Boston Police Academy.

18 MR. REILLY: You've got the wrong Page 70,
19 John, 1698. Evidently there's more than one Page 70
20 because I'm looking at Page 70, and it's 1698.

21 MR. JOHN ROACHE: Apparently the St. Clair
22 Commission Report is inaccurate.

23 MR. REILLY: Could be, could be. I never
24 said perfect I've been told.

1 Q In your opinion, was in-service training in the Boston
2 Police Department in 1992 a joke?

3 A I would disagree with that statement.

4 Q And other than the Boston Police Academy, training
5 academy which you told me about, what else would you base
6 your disagreement with that statement on?

7 A We had an outstanding commander in charge. His name was
8 Robert Dunford. He had a good relationship, he
9 coordinated well with the Massachusetts Training Council.
10 He had a stellar reputation. And he ensured not only the
11 quality of the training for the time that the recruits
12 would spend there but also was involved with other
13 training including in-service.

14 Q So were you satisfied in 1992 with the in-service
15 training in the Boston Police Department?

16 MR. JOHN ROACHE: Objection.

17 A I'm sorry?

18 Q Were you satisfied with the in-service training in the
19 Boston Police Department in 1992?

20 MR. JOHN ROACHE: Objection.

21 A I'm never satisfied. So we constantly tried to improve
22 our training at all times.

23 Q If you could look at Page 61, which is Bates stamped.
24 1685?

1 MR. JOHN ROACHE: Going backwards?

2 MR. REILLY: Yes. Want to make sure you're
3 paying attention.

4 Q The paragraph in the middle of the page begins, Unlike
5 many major police departments, the BPD does not have a
6 policies and procedure manual. Was that accurate in
7 1992?

8 (Witness peruses the document.)

9 A I have no comment.

10 Q Do you know if that's accurate?

11 A I can't say. I don't know who come up with this
12 assessment.

13 Q Was there a policies and procedure manual for the Boston
14 Police Department in 1992?

15 A Superintendent Paul Evans I delegated to him to maintain
16 the rules and regulations of the department. He headed
17 up that committee for policies and procedure manuals.

18 From the very first day that Paul Evans I promoted him to
19 superintendent, he was involved in that important
20 committee. The rules and regulations has to do with
21 policies and procedures, and I delegated it all to him.

22 Q Do you know yourself whether there was a policies and
23 procedure manual in place in 1992?

24 A I cannot speak to that issue right now except to say I

1 know that we did have a policy and procedures manual, but
2 this specific I can't say. I still have mine at home.

3 Q When you say you know you had a policies and procedures
4 manual, what are you referring to? What is it that you
5 remember?

6 A At the beginning, it was revising rules and regulations
7 in terms of pursuit driving, sometimes handling
8 investigations.

9 Q Do you remember -- I didn't mean to interrupt you.

10 A That's all right.

11 Q Do you remember that the Commission made a finding that
12 there was a large collection of written rules,
13 regulations and orders, but they were not organized in
14 any sensible or retrievable way? Do you remember that
15 criticism being made?

16 A I don't remember. It's probably here.

17 Q Do you remember the Commission saying that most officers
18 did not have a set of the rules of the Boston Police
19 Department, and they recommended they be made available?

20 A I don't remember.

21 Q Take a look at Page 63 which is 1687, the section,
22 Performance Analysis. The Commission says --

23 MR. JOHN ROACHE: What did you say?

24 MR. REILLY: Performance Appraisals.

1 Q -- Unlike the overwhelming majority of urban police
2 departments, the Boston Police Department does not have a
3 department-wide personnel performance appraisal system.
4 Was that accurate?

5 MR. JOHN ROACHE: Is your reading of it
6 accurate or --

7 MR. REILLY: No, is that an accurate
8 statement of fact. I know my reading of it is accurate.

9 MR. JOHN ROACHE: You said something other
10 than appraisals.

11 MR. REILLY: I was just giving you an opening
12 there.

13 Q Go ahead.

14 A I can't comment on this because apparently his knowledge
15 was obtained through interviews that I'm not -- I would
16 not know who they were.

17 Q Was it accurate that the Boston Police Department did not
18 have a department-wide personnel performance appraisal
19 system. Is that a correct statement of fact?

20 A I can't say.

21 Q You don't remember?

22 A I have a different opinion.

23 Q What's your opinion?

24 A I think we constantly appraised the performance of our

1 personnel from promotions to detectives to sergeant,
2 lieutenant, captain. And generally I delegated all -- a
3 lot to the bureau chiefs to see the needs of personnel
4 under their command, particularly in terms of performance
5 appraisals.

6 Q Do you understand any difference between what you just
7 outlined to me and a department-wide personnel
8 performance appraisal system?

9 A In my opinion, we had a department-wide because
10 Superintendent Paul Evans was again a Number 2, if you
11 will, at that time, and he was very much involved with
12 that.

13 Q Further on in that paragraph, the Commission says,
14 Commissioner Roache acknowledged to the committee that
15 the department had yet to develop a performance appraisal
16 system for the whole department. Was that correct? Did
17 you, in fact, acknowledge that to the committee?

18 A I don't remember that at all where that comes from. I
19 just don't know.

20 Q Is it your testimony today that that -- that that's not
21 accurate that the department had yet to develop a
22 performance appraisal system for the whole department?

23 A As I indicated earlier, I remember two meetings, and I do
24 not remember any discussion about performance appraisal.

1 Q And you don't recall the statement that's attributed to
2 you here on Page 63?

3 A No, I do not.

4 Q If you can turn to Page 74 which is Bates stamped 1702,
5 the section that says C, Training For Detectives. The
6 committee found there appears to be no special training
7 for detectives. When patrol officers are promoted, they
8 are simply assigned to a unit and expected to learn,
9 quote, on the job, quote. Was that accurate?

10 (Witness peruses the document.)

11 MR. JOHN ROACHE: Was that accurate in 1992?

12 MR. REILLY: Yes, 1992 when the report was
13 produced.

14 MR. JOHN ROACHE: Was this first sentence
15 accurate in 1992 or do you know?

16 A In my opinion, it's not accurate.

17 Q And why not?

18 A It's my understanding that we constantly were training.
19 Wherever there was a need for a detective, homicide or
20 the District Attorney who, as you know, directly controls
21 homicide investigations, he or she, a District Attorney
22 knows the tools they need. And training is critically
23 important to stay up with the state of the art, if you
24 will, of homicide investigation.

1 Q Were you aware of what training was given to homicide
2 detectives during the time you were Commissioner?

3 A I delegated that to the superintendent in charge of the
4 Bureau of Investigative Services.

5 Q Who was that?

6 A I don't recall.

7 Q When this report was produced by the St. Clair
8 Commission, did you do anything to investigate the
9 allegations that were made in this paragraph on Page 74,
10 that is the allegations concerning a lack of training for
11 detectives?

12 A I don't remember.

13 Q Did you call --

14 A I delegated that to Superintendent Ann Marie Doherty.

15 Q Did you call the superintendent that you had delegated
16 the job of training detectives and say, what's your
17 response to this claim?

18 A No. Again, Superintendent Doherty, I had her working
19 with the command staff members to respond to all the
20 issues that were in the St. Clair Report.

21 Q Do you remember Superintendent Doherty telling you
22 anything about her investigation of these allegations
23 concerning training for detectives?

24 A No, I don't recall.

1 Q How did she report back to you? How did Superintendent
2 Doherty report back to you?

3 A At the completion of her review of the St. Clair Report,
4 she provided me with a document which outlined our
5 responses to Mr. St. Clair and his concerns.

6 Q Do you remember the title of the document, or how she
7 described the document?

8 A No, sorry, I do not.

9 Q Was she the author of the document?

10 A I would say she's the primary author. But again, in
11 consultation with others, she put the final report
12 together.

13 Q Did you distribute that report from her to anybody else?

14 A I don't recall.

15 Q The next sentence on Page 74 says, The committee was told
16 that homicide detectives received no special training
17 when they joined the unit, quote, because only
18 experienced investigators are chosen to be homicide
19 detectives. Was that accurate in 1992?

20 MR. JOHN ROACHE: Objection.

21 A Some of that language is pretty vague, grammatically. I
22 can't understand this here.

23 Q Let me ask you this way. Do you know in 1992 whether
24 homicide detectives received any special training when

1 they joined the unit?

2 A I don't remember, but again, I would delegate that to the
3 chief of Bureau of Investigative Services because at
4 least the personnel in the Homicide Unit would work with
5 the District Attorney's office to provide the necessary
6 training.

7 Q Did you have an understanding that the District
8 Attorney's office was responsible for training homicide
9 detectives?

10 A Again, I looked at the statute, and the District Attorney
11 has a statutory authority to direct and control the
12 investigations. But I also believe they understood the
13 importance of up-to-date training. Beyond that, I cannot
14 say because I delegated that to Bureau of Investigative
15 Services, and they were worked closely with the District
16 Attorney's office.

17 Q But as the Commissioner of police, who did you believe
18 had the responsibility of providing training to the
19 homicide detectives, the Boston Police Department or the
20 District Attorney's office?

21 A Boston Police Department.

22 Q And do I understand it correctly that in 1992 when this
23 report was prepared, you had no personal knowledge as to
24 what type of training was being provided to homicide

1 detectives in the Boston Police Department?

2 A I don't recall right now. I don't recall.

3 Q And you have no memory of -- do you have any memory of
4 changing the training for homicide detectives after the
5 St. Clair Report?

6 A I have no memory other than that was delegated to the
7 appropriate command staff people and the District
8 Attorney's office.

9 Q Would that be Ann Marie Doherty?

10 A No, but I don't remember. Whoever the chief detective
11 was worked closely with the District Attorney's office.

12 Q Who appointed detectives to the Homicide Unit?

13 MR. JOHN ROACHE: Objection. You've already
14 asked and answered this. Go ahead.

15 A Again, if it came to somebody being transferred at the
16 Homicide Unit, that request, if it came from the District
17 Attorney's office or it came from the bureau chief, it
18 came to homicide, I would remove myself from that process
19 until they came up with a selection of a person or
20 personnel.

21 Q "They" being the District Attorney's office or Bureau of
22 Investigative Services?

23 A I was not very much involved other than if it required a
24 personnel order that somebody is being transferred I

1 chief of the investigative services, Superintendent Saia
2 would be discussing issues like that. That's all I can
3 say.

4 Q When you say it's a collaborative process, what role do
5 you see the District Attorney's office having in the
6 Boston Police Department homicide department?

7 MR. JOHN ROACHE: Okay.

8 A I see the role as the primary prosecutor of those crimes.

9 Q Did they decide which cases will be assigned to which
10 homicide detectives?

11 A I have no knowledge.

12 Q Did they decide what the homicide detectives will do in
13 their day-to-day investigations of homicides?

14 A I don't know. They're assigned to the Homicide Unit.

15 Q Who are assigned to the --

16 A The homicide detectives. The DA is basically -- he kind
17 of oversees them. It's a cooperative collaborative
18 relationship between the DA and the Boston Police
19 Department.

20 Q As Commissioner of the police, did you understand that
21 District Attorneys had day-to-day supervision over
22 homicide detectives?

23 MR. JOHN ROACHE: Objection.

24 A I'd say the primary role of the DA's office was to

1 prosecute cases. But working with whoever headed up the
2 Bureau of Investigative Services, I stood out of that and
3 let them discuss issues that were germane to the Homicide
4 Unit.

5 Q Would it be fair to say that the primary job of the
6 Homicide Unit was to investigate homicides and the
7 primary job of the DA's office was to prosecute
8 homicides?

9 MR. JOHN ROACHE: Objection.

10 A Yes, with both parties united in approaching that
11 particular homicide.

12 Q And the investigative unit of the police department would
13 work with and cooperate with the District Attorney's
14 office who was prosecuting it; is that fair?

15 A Yes, sir.

16 Q And in terms of chain of command, the homicide detectives
17 answered to the head of the homicide bureau; is that
18 correct?

19 A All the detectives report to the bureau chief,
20 superintendent, or the Bureau of Investigative Services.
21 I cannot be crystal clear in the relationship between
22 homicide because, again, I see that as a cooperative
23 venture between the police department and the District
24 Attorney's office.

1 Q Do you remember him being in charge of the District
2 Attorney's Homicide Unit at some point when you were
3 Commissioner?

4 A I recall him working in the District Attorney's office.
5 Right now I'm not absolutely sure what he was doing.

6 Q Do you ever remember discussing any homicide detectives
7 with Frannie O'Meara?

8 A No.

9 Q Did you ever know if there was any friendship between
10 Lieutenant McNeley and Frannie O'Meara?

11 MR. JOHN ROACHE: Objection.

12 A I have no knowledge of that.

13 Q Who would make the recommendation to you for appointment
14 to the head of the Homicide Division?

15 A The best I can recall would be the chief of the Bureau of
16 Investigative Services who probably had conversations
17 with personnel under the District Attorney at his level
18 discussing those matters, and he would probably present
19 it to me.

20 Q And would the chief of the Bureau of Investigative
21 Services at least at some point while you were
22 Commissioner be Joseph Saia?

23 A At one point, Joseph Saia was the chief of the Bureau of
24 Investigative Services.